

1871-014
Lee Co.

Chancery Causes: Burton Venable & vs Thomas M. Graham &c

Blakemore

1 Plat

CA-Estate Dispute
T-Property

To the worshipful County Court of Lee
County Va. in Chancery now sitting -
Your orators, Burton Venable Andrew M.
Venable & Elisha Venable, humbly complaining
sheweth, unto your worships. That one
James M. Venable, lately departed this life
intestate; he owned at the time of his death
a tract of land in this county containing
about 400 acres, which descended to his
heirs at law, who were his children,
even in no. to wit, Your orators, and ~~Elizabeth~~
S. Graham formerly Venable, who intermarried
with Thomas S. Graham, (but who departed
this life before her said father, leaving three
infant children, to wit Mary Graham
Caroline Graham, & Morgan Graham.)
Evaline Blakemore, ~~formerly Venable~~
who intermarried, with John Blakemore
there constituted his first wife's family;
(he however intermarried a second time
and at his death, he left his widow James
M. Venable, and three infant children,
Charles Venable & Benjamin Venable, ^{Jr. M. Venable} Your
orators, here state that no dower has as
yet been assigned the said widow; nor
has partition been made among the said
heirs, to affect which is the object of this
bill. The premises considered therefore
Your orators' prayer is that, John Blakemore,
Evaline Blakemore his wife formerly Venable
Thomas S. Graham, Mary Graham, Caroline
Graham, Morgan Graham, Charles Venable
& Benjamin Venable, ^{from Venable} the last ^{Six} heirs, of

there are infants under 21 years of age)
he made parties, to this bill and answer
its allegations; that on a hearing, Commission
be appointed whose duty it shall be to go
upon the land in the bill mention; and
after laying off and assigning, to the said
widow, her dower, then that partition
be made, (including the dower) of the whole
tract, assigning, to each, the share to which
he or she may be entitled, assigning to
~~Elizabeth A. Bohman's~~ hers her share all
adjoining; and to the last two children
infants their shares adjoining each other
The commission to have due regard to
quantity and quality. That a guardian ad-
litem be appointed, to answer, for the in-
fant defendants; and for all such other
further & general relief and provisions
are in equity entitled. May the com-
monwealth take issue &c.

Hagan & Pridmore

1870
Burton Variable & others

vs } Bill in Chy

Thomas M. Graham et al

1870. March. Bill filed. Spent

" April. D. N. conf. as to how

" May. Cont'd for D. P.

" June. Cont'd for same.

" July. Cont'd for same.

" Aug. & Sept. " " "

Sept. O. P. complete & Decree

made as to non-accident Defts

Oct. Decree made as to some

confirmed, and causes

Sett for housing by Plffs

Oct. Decree & continued

for + Dec 11

1871 Jan. cont'd

" Feb. Decree & cont'd

" March. April. cont'd

May. cont'd.

1871 June. Term. Decree final.

1870
Burton Venable & others

vs. } Bill in Chy

Thomas M. Graham & others

1870. March. Bill Filed. Spent

on home Defts. & Decree made as

to them & O. P. vs. non-accident

Defendants. & Continued

April. Decree made Conf'd as

to home Defts & cont'd for O. P.

May. Cont'd for Pub.

June. Cont'd for same

July. & Aug. ~~cont'd~~ ~~for same~~

Oct. O. P. complete & Decree

~~made as to non-accident Defts~~

~~Sett for housing by Plffs~~

~~Decree & continued~~

Sept. O. P. complete & Dec

as to home Defts.

Oct. D. N. conf'd as to how

Defts. & causes set for hearing

by Plff.

Oct. Term. Decree cont'd.

Jan. Decree continued

1871. Jan. cont'd. Feb. Decree cont'd

" March. April & May. cont'd.

1871 June. Decree final.

Date clk \$3.54 for Bill

JP. 4.10

cc. 7.36

A. 15.00

1/4 4.00

S. 5.00

S. 5.00

Cover & Decree. 16.00

" Witness. 4.00

" Re-suit. 4.00

Printer. 5.00

\$69.00

To the Honorable Henry J. Morgan Judge of
The County Court of Lee County in Chancery sitting.

The joint answer of Mary Graham Caroline Graham and Morgan Graham infant heirs of Laretha Graham deceased formerly Laretha Venable and Charles Venable Benjamin Venable and W.M. Venable infant heirs of James M. Venable deceased by David Miller their Guardian ad litem to the bill of Complaint filed in this Court against these Defendants and others by Burton Venable and others & for answer thereto respectfully represent that they reserve to themselves now and at all times hereafter the full benefit of the usual exceptions to Complainants bill and for further answer thereto say that they are infants under the age of 21 years the heirs of Laretha Graham being very young and have not the knowledge and discretion of persons of mature years and therefore they neither admit nor deny the allegations contained in Compls. Bill but a Court of Chancery being the peculiar guardian of the rights and interests of infants these defendants ask the protection of this Court in any and all things that affect their rights and interests in the premises and they further ask that this Court require the Complainants in this cause to proceed according to the strict rules of equity and justice and having answered as fully as it is deemed material for them to answer they ask to be dismissed with their costs.

David Miller
Guardian ad litem.

Virginia Lee County Court Clerk's office Sept 19th 1870

This day David Miller personally appeared before me the undersigned Clerk of the County Court of Lee County and made oath that the foregoing answer is true to the best of his knowledge and belief

Given under my hand this 21st day of Sept, 1870.

John B West. Clerk of County Court
of Lee County Va.

Burton Benard & others

vs. answer of guardian
and others

Thomas W. Graham & others

Fee of Guardian ad litem
\$ 5.00.

2nd 126

Burton Venables et al. }
vs } In Chancery
Thomas M. Graham et al. }

This cause came on again to be heard upon the papers formerly read in the cause, and the report of John M. Swerc Stephen McPherson and Jacob Rasmick. and was argued by counsel, and it appearing to the Court that said Report has been filed among the papers of this cause more than 30 days and being unexcepted to, the same is confirmed. On consideration whereof the Court is of opinion and doth so adjudge order and decree that that parties named in said report, take and hold, the separate tracts or parcels of land, in fee simple free from the claims of each other, and the clerk of this Court is directed to record the said plat & report in book kept by him for the recordation of deeds, and properly index the same, and that the defendants John Blakemore & wife pay to the plaintiffs the costs of this suit, that guardians of the infant heirs of Loretha Graham deceased pay to the plaintiffs the costs of this suit, that the guardians of the infants Charles, Benjamin & William Venables pay to the plaintiffs \$5 for each of them of the costs of suit and that the said James Venable also pay \$5 of said costs and no further action being necessary this cause is stricken from the docket.

Burton Venable et al.

vs. Decree
Final

Thomas H. Graham et al.

June 7, 1871

Entered O.B. p. 282.
J.B. recd. D.C.K.

Enter this decree
June 22, 1871
H. F. Morgan

Burton Venable et als Plffs
Against
Thomas C. Graham et als Defs } In ch

This cause came, on this day again
to be heard upon the papers formerly
read in the cause, and was argued by
counsel, and it appearing that ^{the} commis-
sioners appointed by a former decree - have
not executed the same, it is therefore
~~adjudged~~ ordered and decreed, that the
said commissioners be and the same
one hereby removed. and that John
Sword, Stephen McPherson and
Jacob Rasnick, be and the same one
hereby appointed commissioners
whose duty it shall be to perform
the duties assigned the former com^{rs} in
the decree in this cause rendered Oct
19th 1870 and report their action to this
court and the cause is continued -

Rur on Venablectay

vs } ~~Wacner~~

Thomas M. Graham et als

Feb. T. 1878

Entered O.B. p. 278.

Enter this Dec. 1871

H. Morgan

Feb 23 1871

Burton Venable et al vs

Against
Thomas M. Graham et al vs

In chy -

~~On the motion of~~
The pl.ffs David Miller is appointed Guardian
ad litem for - Mary Graham, Caroline Graham
Morgan Graham, Charles Venable + Benjamin Venable
and ~~W. M. Venable~~ ^{who the court held, is the proper person to be appointed guardian}
his answer
This cause is set for hearing - and there-
upon came on to be heard upon the bill
concerning as to the adult defendants and
the answer of Mary Graham, Caroline Graham
Morgan Graham, Charles Venable Benjamin Ven-
able, W. M. Venable infant by David
Miller their Guardian ad litem and was
argued by counsel, on consideration
whereof it is adjudged ordered and
declared, that Pryor Cox, James P. Lerner
+ Francis Slayle, be and the same are hereby
appointed commissioners, whose duty it
shall be, to go upon the land in the bill
mentioned and partition the same among the
the heirs of James M. Venable deceased. First
laying off and assigning to, Jane M. Venable
one third in rental value of the said land;
Then assign, to Loriston Graham's heirs one eighth
Evaline Blakemore $\frac{1}{8}$; to Burton Venable $\frac{1}{8}$; to Andrew
^{these five share to be laid off by said commissioners in equal shares}
M. Venable $\frac{1}{8}$; to Alice Venable $\frac{1}{8}$; to Charles Venable
 $\frac{1}{8}$; to Benj. Venable $\frac{1}{8}$; W. M. Venable $\frac{1}{8}$; and
this partition, & assignment, shall cover the widows
dower & be subject to her rights; The court
will also assign the the shores of Loriston
Graham's heirs off adjoining each other and the

to wit Charles, Benj. & Wm, Venable
 Infant children of the said Venable, off
 adjoining to each other, and if convenient
 adjoining the dower of their said Mother
 Jane Venable. They will make a plat
 and report, of this, proceeding & showing
 specifically the metes & bounds of each share
 laid off and assigned by them - and
 report their action to this Court & the cause
 is continued —

Burton Venable

vs } ~~heirs~~

Thomas H. Graham

Continued C. B. page 94.

Chas. 126.

Enter this decree

at 11 P. M.

Dec 17-1870

Virginia

At a County Court continued & held for Lee County, at the Court House thereof, on Thursday, the 23rd day of February 1871.

Burton Venable et als.

Plaintiffs

vs.

Thomas N. Graham et als.

Defendants

In Chancery.

This cause came on this day again to be heard upon the papers formerly read in the cause, and was argued by Counsel; and it appearing that the Commissioners appointed by a former Decree have not executed the same, It is therefore adjudged, ordered, and decreed that John Sword, Stephen McPherson and Jacob Raanick be and the same are hereby appointed Commissioners, whose duty it shall be to perform the duties assigned the former Commissioners in the Decree in the cause rendered Oct. 19th 1870, and report their action to this Court, and the cause is continued.

A copy - Teste John B. West, D. Ck.

Virginia

At a County Court continued & held &c. Oct. 19th 1870.

Burton Venable et als. Plffs

vs.

Thomas N. Graham's Heirs et als. Defts

In Chancery.

xxxxxx On Consideration whereof, It is adjudged, ordered, and decreed that Pryor Cox, James P. Lamer, and Francis S. Single be and the same are hereby appointed Commissioners, whose duty it shall be to go upon the land in the Bill mentioned, and partition the same among the heirs of James M. Venable deceased; First, laying off and assigning to the heirs of James M. Venable one third in rental value of the said land for her power then assign to Loritha Graham's Heirs one eighth, to Aline Graham $\frac{1}{8}$, to Burton Venable $\frac{1}{8}$, to Andrew M. Venable $\frac{1}{8}$, to Elisha Venable $\frac{1}{8}$ - these five shares to be laid off, if practicable, adjoining each other - Charles Venable $\frac{1}{8}$

John Sword et al.
Commissrs.

Copy of order of Court.

Executed by delivery
to John Sword, Stephen
McPherson, and Jacob
Rasnick an attested
office copy of the within

Wm. Am. B. & S. Co.
(C. J. Hamblin)

We the undersigned commissioners appointed by an order of the County Court of Lee County to lay off and assign to Jane Venable widow of James M Venable deceased her dower in the land of which said James M Venable died seized, and also to lay off and assign to the heirs of said James M Venable their shares in the land aforesaid, lying on the waters of Waldens Creek in the Back Valley Beginning on a chestnut oak and white oak on the top of Waldens Ridge S 20 E 160 poles to a chestnut oak and poplar N 67 E 297 poles to a stake, thence S 23 poles to a white oak thence N 65 E 28 poles to a double poplar N 15 W 116 poles to a white oak thence S 68 W 32 poles to a white oak thence N 100 poles to a chestnut oak on top of Waldens Ridge thence S 63 W 332 poles to the Beginning containing 358 1/2 Acres Report filed in court performed that duty, and have laid off and assigned to the said widow her dower on the East end of said land including the dwelling &c according to the annexed plat marked Dower Beginning on a poplar and double dogwood on the East side of a ridge on the South line of said land, thence with said S line N 67 E 66 poles to a stake thence S 23 poles to a white oak thence N 65 E 28 poles to a double poplar thence N 15 W 116 poles to a white oak thence S 68 W 32 poles to a white oak thence N 100 poles to a chestnut oak on top of Waldens Ridge thence S 63 W 78 poles to a double hickory on top of said Ridge thence S 14 E 188 poles to the Beginning.

Containing ninety six Acres

Charles Venables share We have laid off and assigned to him wholly in the dower according to the annexed plat marked A Beginning on a beech hickory and dogwood on said S line thence N 67 E 48 poles to a stake thence S 23 poles to a white oak thence N 65 E 28 poles to a double poplar thence N 15 W 116 poles to white oak thence S 68 W 32 poles to a white oak thence N 100 poles to chestnut oak on top of Waldens Ridge thence S 63 W to a stake on top of said Ridge thence S 14 E 189 poles to the Beginning containing seventy four Acres

William M Venables share we have laid off and assigned to him partly in the dower and adjoining the share of his brother Charles Beginning on a white oak and two dogwoods thence N 67 E 46 poles to a beech hickory and dogwood beginning corner of Charles share thence N 14 W 189 poles to a stake on top of Waldens Ridge thence S 63 W 46 poles to a rock on top of said Ridge thence S 14 E 186 poles to



the Beginning containing fiftyfour Acres according to the annexed plat marked B

Benjamin Venable's share we have laid off and assigned to him adjoining the share of his brother William M Venable according to the annexed plat marked C Beginning on a beech on said said S line thence N 67 E 37 poles to two white oaks and a dogwood Beginning corner of William M Venable's share thence N 14 W 184 poles to a rock on top of Waldens Ridge thence S 63 W 37 poles to two chestnut oaks on top of said Ridge thence S 14 E 102 poles to a stake near a branch thence S 70 E 2 poles crossing the branch to a locust thence S 10 W 4 poles recrossing the branch to a stake thence S 14 E 76 poles to the beginning containing 42 fortytwo Acres according to the annexed plat marked C

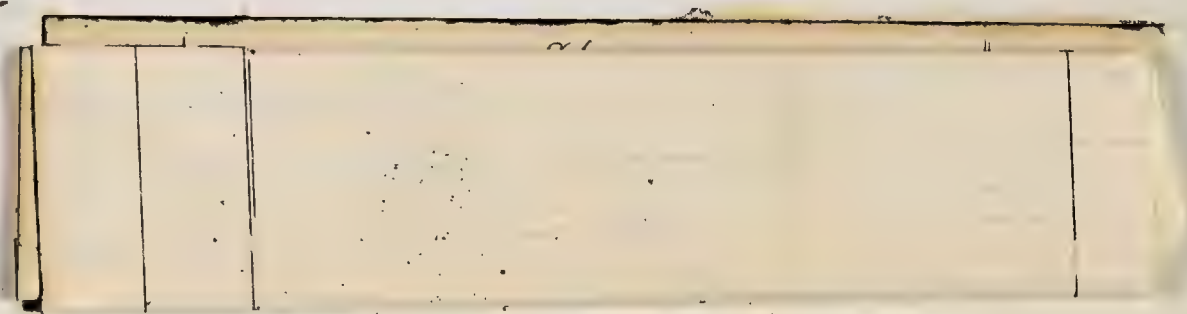
The share of Mary Graham Daughter of Loretha Graham deceased we have laid off and assigned to her according to the annexed plat marked D Beginning on a sowerwood on said line thence N 67 E 17 poles to a beech Beginning corner of Benjamin Venable's share thence N 14 W 76 poles to a stake thence N 10 E 4 poles to a locust thence N 70 W 2 poles to a stake thence N 14 W 102 poles to two chestnut oaks on top of Waldens Ridge thence S 63 W 17 poles to a stake on top of said Ridge thence S 14 E 178 poles to the Beginning containing nineteen Acres and a half

The share of Morgan S Graham son of Loretha Graham deceased we have laid off and assigned to him adjoining the share of his sister Mary Graham according to the annexed plat marked E Beginning on a chestnut oak and sowerwood on said S line thence N 67 E 17 poles to a sowerwood Beginning corner of Mary Graham's share thence N 14 W 178 poles to a stake on top of Waldens Ridge thence S 63 W 17 poles to a chestnut oak on top of said Ridge thence S 63 W 174 poles to the Beginning containing 19 nineteen Acres

The other four shares to wit the share of B M Venable and that of Elihu L Venable Andrew M Venable and that Matilda Evaline Blakemore, we have, at the request of the said parties, laid off together Beginning on a chestnut oak and sowerwood on said

South line thence N 14 W 174 poles to a chestnut oak on top of Waldens Ridge thence S 63 W 155 poles to a chestnut oak and white oak on top of said Ridge thence S 20 E 160 poles to a chestnut oak and poplar thence N 67 E 132 poles to the Beginning containing one hundred and fifty Acres according to the annexed plat marked F

John W. Sword
Steven McPhearson
Jacob Rusnick



Virginia,

At a Court of quarter sessions continued & held for in County,
at the Court House thereof, on Friday, the 22nd day of June 1871.

Burton Venable et al.

against

Thomas H. Graham et al.

Plaintiffs

In Chancery.

Defendants

This cause came on again to be heard upon the papers formerly read in the cause, and the report of John W. Sword, Stephen McPhearson, and Jacob Rusnick and was argued by counsel. And it appearing to the Court that said report has been filed among the papers of this cause more than 30 days, and being accepted to, the same is confirmed. On consideration whereof, the Court is of opinion, and doth so adjudge, order, and decree, that the parties named in said Report, take and hold the separate tracts or parcels of land in Fee Simple, free from the claims of each other, and the clerk of this Court is ordered to record the said plat & report in the book kept by him for the recordation of deeds and properly index the same. A copy - Teste.
John B. West, D. C.

Stephen McPherson at
Comm.

Report of Comm. to assign
dower to John Venable -
widow of James M. Venable
decd.

1871 May 15th. Filed
Jno. B. West D.C.

5th June. Term confirmed & or-
dered to be Recorded.

Recorded in Deed Book
No 16, pages 362 + 363.
J.B. West, D.C.

Stephen McPherson Comm.	\$4.00
Jacob Rasmussen "	4.00
John W. Sword Surveyor	15.00
	\$23.00
John W. Sword Comm.	1.00
	\$24.00

(cont 2.)

Virginia

At Rules held in the Clerk's Office of the County Court
of Lee County, on the first Monday, in March 1870.

Burton, venable and others

vs.

Thomas A. Graham & others

Plff

Defis

} In Chancery.

The object of this suit is to obtain a partition of the land in
the Bill mentioned according to the rights of the parties to this suit; and
it appearing from evidence filed in the cause that Evaline & John
Blakemore, two of the defendants herein, are non-resident of this
State, They are therefore ordered to appear here within one month
after due publication of this order, to do what is necessary to protect
their interest in this suit.

Test - J. B. West D.C.

I certify that on Monday, the 20th day of June 1870, that
being Court day, I posted a copy of the above at the front door
of the Court-House.

J. B. West D.C.

Burton Tenable, for the
no. 3 Order of Publication
Thomas N. Graham et al.
~~~~~



I solemnly swear that I verily believe that Evaline Blakemore and John Blakemore are non-residents of the state of Virginia. To help me God.

Henry J. Morgan

Sworn to before me. J. B. West D. C.



Boston Herald

no 3 affd

Thos N. Graham & al



The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY — GREETING:

WE COMMAND YOU TO SUMMON *Thomas N. Graham Mary Graham Caroline  
Graham + Morgan Graham and Evaline Blakemore John Blakemore  
Jane M. Venable Charles Venable and Benjamin Venable*

to appear before the Justices of our County Court for Lee county, at the Court House, in the Clerk's Office, at Rules to be holden for the said court, on the *first* Monday in *March* next, to answer a bill in chancery, exhibited in our said court, against *them* by *Burton Venable Andrew M. Venable and Eliza Venable*

And have then there this writ. Witness, JOHN B. WEST, Deputy for SYLVESTER E. THOMPSON, Clerk of our said Court, at the Court House, this *14<sup>th</sup>* day of *February* 18*80*, in the *94<sup>th</sup>* year of the Commonwealth.

*John B. West D.* Clerk.



Burton Venable & Thos

vs } Spec in Chy  
}

Thomas H. Graham et al

Must Rules 1870

Executed  
an Jane Venable  
Charles Venable  
Elisha Venable

Executed an  
Thomas H. Graham  
Mary Graham  
Morgan Graham  
Maraline Graham  
William W. Sage & Co



# VIRGINIA:

WASHINGTON COUNTY, TO WIT:

I do hereby certify that the annexed Notice has been published  
*four weeks successively, ending July 15<sup>th</sup> 1870,*  
in the "ABINGDON VIRGINIAN," a newspaper published in the  
town of Abingdon, Va. Given under my hand this *1<sup>st</sup>*  
day of *September*, 1870.

*Geo. R. Barr*  
*Jr. Ed. "Virginian"*

VIRGINIA:—At Rules held in the Clerk's office of the County Court of Lea county, on the first Monday in March, 1870:

Burton Venable, et als,

Plffs.

AGAINST  
Thomas N. Graham et als,

Defts.

## IN CHANCERY.

The object of this suit is to obtain a partition of the land in the Bill mentioned, according to the rights of the parties to this suit: And it appearing from evidence filed in the cause, that Evaline and John Blakemore, two of the defendants herein, are non-residents of this State, they are therefore ordered to appear here within one month after due publication of this order, to do what is necessary to protect their interest in this suit.

Teste,

JOHN B. WEST, D. C.

A Copy.—Teste,

JOHN B. WEST, D. C.

June 24, 1870.—4w.



1726